

SENATE CHAMBER,

AUSTIN, June 8, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read, corrected and approved.

REPORTS FROM STANDING COMMITTEES.

Austin, June 8, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills have examined and compared substitute for Senate Bill No. 155, to provide for districting the State of Texas into judicial districts, and find the same correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

BILLS AND RESOLUTIONS.

By Senator Bowers.

A bill to be entitled "An Act to incorporate the Superannuated Preacher's Aid Society."

Read first time, and referred to Committee on Judiciary.

Senator Gaines offered the following resolution :

Resolved, That the Secretary of the Senate be and is hereby authorized to purchase five copies of the Daily Houston Union for each member of the Senate.

Senator Mills moved its adoption.

Senator Bowers moved to amend by adding, provided, that the same does not cost more than three cents per copy.

Senator Mills moved to amend the amendment by saying eight cents in place of three cents per copy.

Senator Alford offered the following substitute :

Resolved, That the Secretary of the Senate be instructed to purchase ten additional copies of the State Journal for each and every member at six cents per copy.

Senator Flanagan moved to lay the whole matter on the table.

Yeas and nays called for. Result as follows :

Yeas—Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Pettit, Pickett, Priest, Pridgen, Pyle, Shannon—15.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby--12.

Motion to table carried.

Senator Ruby offered the following resolution :

Resolved, That the Senate postmaster be and is allowed the same per diem pay, eight dollars, as is now authorized to the several officers of this body. Carried.

Senator Fountain moved that the phonographic reporter be paid fifteen dollars per day. Carried.

BILLS.

By Senator Clark, a bill entitled "An Act to amend an act to incorporate the Neches Navigation Company, approved November 8, 1866."

Read first time and referred to Committee on Internal Improvements.

Under direction of the President the Secretary carried to the House substitute for Senate Bill No. 155, "An Act to provide for districting the State of Texas into judicial districts."

Also, Senate Bill No. 101, "An Act for the relief of J. H. Hallonquist."

Also, House Bill No. 88, a bill entitled "An Act to provide for the protection of the frontier of the State of Texas."

Also, enrolled Bill (Senate Bill 74) "An Act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," for signature of the Speaker.

Senator Fountain rose to a question of privilege and offered the following :

WHEREAS, When the case of H. R. Latimer, sitting member in this body from the ninth district, was before the Committee on Privileges and Elections, the evidence produced before that committee was conclusive, and admitted on the part of the said H. R. Latimer that he had held office (that of county judge) for a number of years before the war, but denied, on his honor as a Senator, that he had sought or accepted the position of elector of the Confederate States, to which he was elected in 1861, and also claimed that he had never sought or accepted an office under the Confederacy ; and

WHEREAS, The said committee was unable to come to majority report on said case, and the Senate saw fit to indefinitely postpone action because of the doubtful nature of the charge made against H. R. Latimer ; and

WHEREAS, Since said report and action of the Senate fresh evidence has been discovered, to-wit, the following letters on file in the Governor's office :

CLARKSVILLE, July 7, 1863.

His Excellency F. R. LUBBOCK:

In the act of the Confederate Congress, concerning impressments, I notice the Governor of this State is authorized to appoint a commissioner to act in conjunction with one appointed by the President, who, together, are to constitute a board to fix upon a price to be paid by the government for the property impressed, or taken for all public use, and I write this note to solicit the appointment, if you have made no appointment, and have no one in view for it; will feel highly flattered to be noticed.

With sentiments of high regard I remain your friend and obedient servant,

(Signed)

H. R. LATIMER.

P. S. The canvass for Governor has opened in this county; the contest will be between Murrah and Chambers, no other candidate getting any votes here.

(Signed)

H. R. L.

Endorsement No. 991, Latimer H. R., July 7, 1863.

Answered July 13, 1863, that the appointment was given to Frank E. Williams, of Rusk, before his application was received.

(Signed)

PAUL.

CLARKSVILLE, TEXAS,

April 17, 1864.

HON. P. MURRAH:

DEAR SIR: I received a letter from you, dated the seventeenth day of March, tendering me the appointment of Aid-de-Camp, to which I replied immediately, accepting the position, and as no answer has been received up to date I take it for granted my letter never reached you. Stirring times are ahead of us. The enemy are making an advance towards our border, and it is our duty to meet them beyond the line in defense of our homes and *sacred* all. The militia and old men are under orders to march at a moment's warning, to some point on Red River, where they will be subject to further orders from General Maxey. If the enemy continue to advance we will go immediately to Price and aid him in the great battle now pending. We had better meet and fight the enemy in Arkansas, than suffer them to invade and desolate our own State, and hope the militia everywhere, at least where they can be spared from *home* defense, will go at once to the army in Arkansas or Louisiana, and cheer by their presence and aid by their hard blows our brave comrades who are struggling against superior numbers in defense of everything dear to a free people. The news from Louisiana is cheering, and if the victory turns out as complete and the rout of the enemy as disastrous as rumor now has it, the column of the Federal

army under General Steel, now at Washington, Arkansas, must retreat, or we will whip them as sure as God rules the Universe. Your position as Governor of the State is beset with many difficulties. It is an unenviable place for any man to be called upon in such troublesome times as these to carry on the wheels of government, and see that the laws are executed. No Governor previous has had any such troubles. But I say you are *backed* by the good opinion of the people of Northern Texas. Those who opposed your election are your friends, and will stand by you in the pending troubles. Everything is quiet in our county now. The little jay-hawking heretofore committed has entirely ceased. A few bad men have been hung, and it has deterred other evil-doers. Mob law is to be deprecated, but in such times as these it must be resorted to for the public good; at least it has rid our county of robbery and murder, when nothing else could have done it.

Respectfully, your friend and obedient servant,

(Signed)

H. R. LATIMER.

P. S.—A courier has just reached here from General Throckmorton, ordering the militia to Bonham to meet an invasion by way of Fort Smith and Boggy Depot.

Endorsement No. 106.

H. R. LATIMER,

April 17, 1864.

Date of commission issued April 4, to date, from 25th March. Answered April 28, 1864, that his commission was transmitted April 24, to date, from March 25, 1864.

(Signed)

PAUL.

And, whereas, it is due to the dignity and honor of this body, the majesty of the law, and the rights of the people of Texas for whom we act as a legal and honorable body, that we vindicate our honor as a Senate, and also that we abide by our oaths of office, and that no rule of this house or motion thereof can absolve or liberate us from our oath to support the Constitution and laws of the United States; therefore, be it

Resolved, That the case of H. R. Latimer be remitted to the Committee on Privileges and Elections, to investigate the same and bring in a report immediately to this body.

Senator Douglas rose to a point of order, that the resolution could not be considered without a suspension of the rules.

Senator Fountain moved a suspension of the rules to consider the resolution.

Senator Bowers made the point of order that the journals would show an indefinite postponement of the subject matter in the resolu-

tion, and asked the chair to rule whether the resolution was in order.

Pending discussion.

Message from the House by chief clerk, announcing the passage by the House of Senate bill No. 161, "An Act to Create and Provide for the Organization of the County of Rains."

Also announced that the Speaker of the House had signed "An Act (S. B. No 74) making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," and it was thereupon signed by the President of the Senate.

The Chair ruled the resolution of Senator Fountain in order.

Senator Flanagan appealed from the decision of the Chair.

The question was then put, "Shall the decision of the Chair be sustained?"

Upon which the yeas and nays were as follows:

Yeas--Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Priest, Rawson, Ruby--11.

Nays--Alford, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Parsons, Pettit, Pickett, Pridgen, Pyle, Shaumon--16.

So the Senate refused to sustain the decision of the Chair, and the resolution held out of order.

On motion of Senator Ruby the Senate adjourned.